

REMARKS

In response to the Official Action of December 12, 2007, claims 1-9 and 11-54 have been amended, claim 10 has been canceled and claims 55-58 are newly submitted. The claims have not been amended substantively, but have been amended to more particularly point out and distinctly claim the invention, including deletion of parenthetical reference numbers, writing the claims in single part form, minimizing preambles and writing the computer program product claims as computer readable medium claims stored with instructions, and generally writing apparatus claims so as not to use means plus function terminology. No new matter is added.

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Claim Rejections - 35 USC §102

At section 2, claims 1-14, 23-29, 33-46, and 51-54 are rejected under 35 USC §102(e) as anticipated in view of US patent 6,600,917, Maupin.

With respect to claim 1, the Office asserts that Maupin discloses a method for indicating one or more terminal capability requirements for point-to-multipoint multimedia broadcast/multicast service type service reception in a wireless system having the actions recited therein. For the reasons set forth below, applicant respectfully disagrees.

More particularly, Maupin is directed to telecommunications network broadcasting of service capabilities in which a network prepares a capabilities message which is broadcast by a base station to advise mobile user equipment units of services supported by the base station.¹ The basic difference between Maupin and the present invention is that Maupin is directed to what the network can do, while the present invention discloses what the terminals can do.

¹ The corresponding international publication WO 01/26409 A1 was considered by the PCT Examiner for the PCT application upon which the present application is based. The PCT issued a favorable International Preliminary Report on Patentability for claims substantially similar to those of the present application. A copy of this report was filed by the applicant upon entry of the US national stage on October 12, 2005.

More particularly, Maupin relates to broadcasting of service capabilities ("service capabilities" as discussed in Maupin) in a cellular network. A specific capabilities message constructed by a radio network controller (RNC) is sent to a base station to be forwarded to mobile terminals within the cell served by the base station. The message only informs the terminals about the services (in this case by "services" basically referring to plain network parameters; that is, possibly varying and diverse capabilities of the base station/network itself) supported by the system within that particular cell in order to let the mobile terminal(s) properly register with the network (Maupin, column 9, lines 23-46) by utilizing a suitable technique, if any, during the activation phase of the terminal(s) (Maupin, column 8, line 39 through column 12, line 32).

A bitmap included in the message includes definitions of applicable radio access technology types (for example, GSM or IS-95), generations (first: GSM, second: UMTS, etc.), and related radio frequency bands. Therefore, the services as such are not unequivocally defined or specific characteristics thereof addressed in relation to the capabilities of the mobile terminal(s).

In contrast, the present invention is directed to indicating terminal capability requirements based on at least one of the following factors as set forth in claim 1: time slot configuration, modulation type (for example, GMSK or 8-PSK), terminal/Multimedia Broadcast/Multicast Service service capability class (for example, as disclosed in the specification as a division into three classes), and bit rate, as these factors are the crucial variables determining the terminal capability to properly receive the offered Multimedia Broadcast/Multicast Service service(s). The terminal(s)/network determines based on the received, unambiguous information as to whether the terminal(s) is capable or incapable of receiving related service data to avoid unnecessary transmissions/reception attempts. Neither the Multimedia Broadcast/Multicast Service service, being a service for delivering multimedia content that possibly varies a great deal, nor the aforesaid factors are suggested by Maupin, whose suggested "capabilities

message” has a completely different meaning and refers to capabilities of the network itself.

It is therefore respectfully submitted that claim 1 is not anticipated by Maupin.

Independent apparatus claims 23, 30, 33, and 47 all recite features similar to claim 1 with regard to the issues noted above and, for similar reasons, each of these independent claims is also believed to be not anticipated by Maupin.

Independent system claim 51 also recites features similar to those set forth in claim 1 with regard to the features discussed above and, for similar reasons, claim 51 is also believed to be not anticipated by Maupin.

Dependent claims 2-14, 24-29, 34-46, and 52-54 are also believed to be not anticipated by Maupin at least in view of such dependency.

Claim Rejections - 35 USC §102

At section 3, claims 15, 16, 19, 20, 30, 47, and 48 are rejected under 35 USC §102 as anticipated by US patent 6,006,091, Lupien. Lupien is directed to a method and a cellular telecommunication network of informing the network of a plurality of operating capabilities of a mobile terminal. The capability request may be sent on a paging channel or an access response channel and the capability report may include all of the capabilities of the mobile terminal or may include a specified capability set (Lupien, Abstract).

Lupien, including the cited passage at column 5, lines 30-42 and Figure 1 is not seen as disclosing terminal capability requirements for point-to-multipoint Multimedia Broadcast/Multicast Service service reception in a wireless system. Although various capabilities are set forth in Table 1 of Lupien, Lupien does not appear to be directed to terminal capabilities associated with capability requirements for point-to-multipoint Multimedia Broadcast/Multicast Service service reception in a wireless system nor does

it appear that the recited capabilities in Table 1 correspond to time slot configuration modulation type, bit rate, and capability class associated with such Multimedia Broadcast/Multicast Service service.

It is therefore respectfully submitted that independent method claim 15 is not anticipated by Lupien.

Independent apparatus claims 30 and 47 recite features similar to those set forth in method claim 15 and, for similar reasons, claims 30 and 47 are also believed to be not anticipated by Lupien.

Dependent claims 16, 19, 20, and 48 are also believed to be not anticipated by Lupien at least in view of such dependency.

Claim Rejections - 35 USC §103

At section 6, claims 17, 18, 21, 22, 31, 32, 49, and 50 are rejected under 35 USC §103(a) as unpatentable over Lupien further in view of US patent application publication 2002/0071480, Marjelund. Each of these claims is dependent on an independent claim which is believed to be allowable and therefore each of these claims is also believed to be allowable at least in view of such dependency.

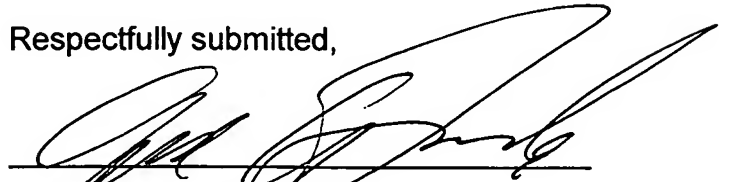
Newly submitted claims 55-58 are directed to a computer readable medium stored with instructions for performing specified functions. These independent claims correspond to independent apparatus claims 23, 30, 33, and 47 respectively and each of these claims is therefore believed to be allowable for the same reasons as those presented above with regard to the above-recited independent claims. Each of these independent claims is supported by the original application as filed, including Figures 9A and 9B and the corresponding description in the specification, including page 14, lines 13-34.

In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alfred A. Fressola', is written over a horizontal line.

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